

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 12921 of Vivian Moses, Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against having an open parking space within ten feet of a one-family dwelling (Paragraph 7205.21) in an R-2 District at the premises 6102 - 3rd Street, N.W., (Square 3288, Lot 60).

HEARING DATE: May 16, 1979

DECISION DATE: June 6, 1979

FINDINGS OF FACT:

1. The subject property is located on the west side of 3rd Street, N.W. between Rittenhouse and Quackenbos Streets, N.W. and is known as 6102 - 3rd Street, N.W. It is in an R-2 District.
2. The site is 5,969 square feet in area and is rectangular in shape. The site is improved with a two story detached single family dwelling. There is a concrete driveway on the south side of the dwelling.
3. To the north of the subject property is a single family detached dwelling. To the east is 3rd Street followed by single family detached dwellings. To the south is a single family detached dwelling. To the west there is a fifteen foot wide alley followed by the rear yards of residential buildings.
4. The applicant is requesting permission to have an open parking space within ten feet of the one family dwelling and, in particular, to park a motor home on the subject parking space. The motor home accommodates six persons.
5. The applicant is not the owner of the motor home which is now parked on the subject parking space. The applicant now owns two passenger cars, one of which is parked in front of the motor home and the other is parked on the street.
6. The applicant testified that it was possible to locate a parking space to the rear of the dwelling.

7. The Office of Planning and Development, by report dated May 10, 1979 and at the public hearing, recommended that the application be denied. The OPD reported, based on a field inspection of the site, that the subject premises has a large relatively level rear yard of 100 feet depth and that there is alley frontage to the west. The OPD was of the opinion that the rear yard of the dwelling could be used for parking. The rear yard is relatively level and can be reached through an alley via Rittenhouse Street and Quackenbos Street. Access to rear yard parking could also be achieved from 3rd Street by extending the driveway on the southside of the dwelling into the rear yard. The OPD further noted that the subject lot does not have unusual topography, grades, shape, size or dimensions, nor are there any traffic hazards caused by unusual street grades. The Board so finds.

8. There was much opposition to the application from the owners of neighboring properties. There were many letters of record. One neighbor, an abutting property owner, appeared at the public hearing to testify against the application. The grounds of opposition were: (a) the applicant ignored the Zoning Regulations and constructed a permanent parking pad (b) access to the abutting property owner's land was denied by the parking of the motor home (c) the presence of a motor home creates an unsightly appearance and detracts from the neighborhood's image; instead of trees, shrubs and flowers there is a motor home (d) the presence of the motor home presents health and fire hazards for all in its vicinity. The Board concurs with the opposition.

9. There was no report from Advisory Neighborhood Commission 4B.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking an area variance which requires a showing of a practical difficulty stemming from the property itself. The Board notes that the site is rectangular in shape, has a deep rear yard and that the rear yard is accessible through an alley via two streets. In fact, the applicant testified that the rear yard was suitable for his parking needs. The Board concludes that no practical difficulty exists in the subject property and that the application cannot be granted. The Board notes that in denying this application it is disapproving the location of an open parking space within ten feet

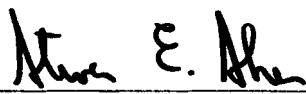
of the subject dwelling whether such parking pad be used for a motor home, an automobile or any other motor vehicle.

Accordingly, it is ORDERED that this application is DENIED.

VOTE: 4-0 ( John G. Parsons, Charles R. Norris, Chloethiel Woodard Smith, and Leonard L. McCants to deny, William F. McIntosh not voting not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 23 JUL 1979

UNDER SUB-SECTION 8204.2 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."